

4. Specifically, this Court has subject matter jurisdiction over this action because there is the requisite diversity of citizenship between Plaintiff and all Defendants and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Plaintiff Trillium is a citizen of the State of Iowa by its incorporation and State of Michigan as it is headquartered in Michigan. (*See*, Plaintiff's Complaint at ¶ 1).

6. Wendt is a citizen of Indiana because it is an Indiana limited liability partnership with its partners in Indiana.

7. Defendant Roeslein & Associates, Inc. ("Roeslein") is a Missouri corporation headquartered in Missouri.

8. Defendant Travelers Casualty and Surety Company of America ("Travelers Surety") is a Connecticut corporation headquartered in Connecticut.

9. Since all of the parties are citizens of different states, diversity of citizenship exists.

10. All Defendants unanimously consent to the removal. Roeslein and Travelers join the Notice of Removal.

11. Plaintiff's Complaint pleads damages exceeding \$75,000, specifically alleging damages in excess of \$250,000. (*See*, Plaintiff's Complaint at ¶ 15).

12. The United States District Court for the Northern District of Ohio, Western Division, embraces the county in which the state court action is now pending.

13. Thus, this Court is the proper venue for this action pursuant to 28 U.S.C. § 115 (a)(1).

14. Pursuant to 28 U.S.C. § 1446(d), Wendt will give written notice of the filing of this Notice of Removal to Plaintiff and will file a copy of the Notice of Removal with the Clerk of the Erie County, Ohio Court of Common Pleas, the Court in which the action is currently pending.

15. If any question arises as to the propriety of the removal of this action, Wendt requests the opportunity to brief any disputed issues and to present oral argument in support of removal.

16. A copy of all process, pleadings, and other documents served on Wendt in the state court matter, including plaintiff's Petition, is attached hereto as Exhibit A.

17. A copy of Civil Cover Sheet is attached hereto as Exhibit B.

18. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of any of Wendt's rights to assert any defense or affirmative matter, including, but not limited to, the defenses of (a) lack of jurisdiction over the person, (b) improper venue, (c) insufficiency of process, (d) insufficiency of service of process, (e) improper joinder of claims and/or parties, (f) failure to state a claim, (g) failure to join indispensable party, (h) first-to-file rule, and (i) any other procedural or substantive defense available under state or federal law.

WHEREFORE, Wendt, LLP respectfully requests this matter be removed from the Erie County, Ohio Court of Common Pleas to the United States District Court for the Northern District of Ohio, Western Division, and for other and further relief this Court deems just and proper.

Respectfully submitted,

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Certificate of Service

I certify that, on January 10, 2023, I served a copy by email, upon:

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